

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Information associated with an email account that is
stored at premises controlled by MSN Hotmail, fully
described in Attachment A.

Case No.

19-MJ-1220

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

Information associated with an email account that is stored at premises controlled by MSN Hotmail, fully described in Attachment A.

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B.

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 21, United States Code, Sections 829(e), 841(a)(1), and 846 (Distribution of Controlled Substances), and Title 21, United States Code, Sections 841(h) and 843(c)(2)(A) (Distribution of Controlled Substances by means of the Internet)

The application is based on these facts: See attached affidavit.

- ☒ Delayed notice of _____ days (give exact ending date if more than 30 days: 10/18/19) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



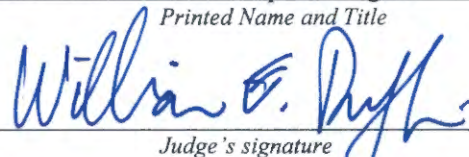
Applicant's signature

Kellen Williams, DEA Special Agent

Printed Name and Title

Sworn to before me and signed in my presence:

Date: 3/7/19



Judge's signature

City and State: Milwaukee, Wisconsin

William E. Duffin, U.S. Magistrate Judge

Printed Name and Title

**AFFIDAVIT IN SUPPORT OF
APPLICATIONS FOR SEARCH WARRANTS**

I, Kellen J. Williams, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for search warrant for information associated with an email account that is stored at premises controlled by MSN Hotmail ("MSN Hotmail") an e-mail provider owned by Microsoft Corporation that is located at 1 Microsoft Way, Redmond, WA 98052. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require MSN Hotmail to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the Drug Enforcement Administration (DEA), having been so employed since September 2012. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), in that I am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Sections 2516(1)(e), 1956, and 1957, and Title 21, United States Code, Sections 841(a)(1), 843(b), 846, 856, 952, and 963. I have received specialized training on drug identification, surveillance operations, firearms handling, report writing techniques, confidential source handling, Title III wire interceptions and execution, search warrant execution, arrest procedures, and court proceedings.

3. Based on my training, experience, and participation in drug trafficking and computer related investigations, I know and have observed the following:

- a. I have learned about the manner in which individuals and organizations distribute controlled substances in Wisconsin as well as in other areas of the United States and internationally;
- b. I am familiar with the coded language utilized over the telephone and other electronic communications to discuss drug trafficking and know that the language is often limited, guarded and coded. I also know the various code names used to describe controlled substances;
- c. I know drug dealers often put telephones in the names of others (nominees) in order to distance themselves from telephones that they use to facilitate drug distribution. Because drug traffickers go through many telephone numbers, they often do not pay final bills when they are done using a telephone number and then are unable to put another line in the name of that subscriber;
- d. I know drug traffickers often purchase and/or title assets in fictitious names, aliases or the names of relatives, associates or business entities to avoid detection of these assets by government agencies. I know that even though these assets are in the names other than the drug traffickers, the drug traffickers actually own and continue to use these assets and exercise dominion and control over them;
- e. I know drug traffickers must maintain on-hand large amounts of currency to include currency stored in financial accounts readily accessible in order to maintain and finance their ongoing drug business;
- f. I know it is common for drug traffickers to maintain books, records, receipts, notes ledgers, airline tickets, receipts relating to the purchase of financial instruments and/or the transfer of funds and other papers relating to the transportation, ordering, sale and distribution of controlled substances. The aforementioned book, records, receipts, notes, ledger, etc., are maintained where the traffickers have ready access to them. These may be in paper form as well as in digital form on computers, Smartphones, cellphones, and other electronic media or electronic storage devices;
- g. I know it is common for large-scale drug traffickers to secrete contraband, proceeds of drug sales and records of drug transactions in secure locations within their residences, their businesses and/or other locations over which they maintain dominion and control, for ready access and to conceal these items from law enforcement authorities;
- h. I know it is common for persons involved in drug trafficking to maintain evidence pertaining to their obtaining, secreting, transfer, concealment and/or expenditure of drug proceeds, such as currency, financial instruments, precious metals and

gemstones, jewelry, books, records of real estate transactions, bank statements and records, passbooks, money drafts, letters of credit, money orders, bank drafts, cashier's checks, bank checks, safe deposit box keys and money wrappers. These items are maintained by the traffickers within residences, businesses or other locations over which they maintain dominion and control, as well as in digital form on computers, Smartphones, cellphones, and other electronic media or electronic storage devices;

- i. I know large-scale drug traffickers often use electronic equipment such as telephones (land-lines and cell phones), pagers, computers, telex machines, facsimile machines, currency counting machines and telephone answering machines to generate, transfer, count, record and/or store the information described in the items above, as well as conduct drug trafficking activities;
- j. I know when drug traffickers amass large proceeds from the sale of drugs, the drug traffickers attempt to legitimize these profits through money laundering activities. To accomplish these goals, drug traffickers utilize the following methods, including, but not limited to: domestic and international banks and their attendant services, securities brokers, professionals such as attorneys and accountants, casinos, real estate, shell corporations and business fronts and otherwise legitimate businesses which generate large quantities of currency;
- k. I know drug traffickers commonly maintain addresses or telephone numbers which reflect names, addresses and/or telephone numbers of their associates in the trafficking organization in papers and books as well as in digital form on computers, Smartphones, cellphones, and other electronic media or electronic storage devices;
- l. I know drug traffickers take or cause to be taken photographs or videos of themselves; their associates, their property and their drugs. These traffickers usually maintain these photographs or videos in their possession, often in digital form on computers, Smartphones, cellphones, and other electronic media or electronic storage devices;
- m. I am familiar with computers, cellular telephones, Smartphones, pagers and their uses by drug traffickers to communicate with suppliers, customers, and fellow traffickers; Drug traffickers use these devices to record their transactions and aspects of their lifestyle related to drug dealing, whether in the form of voicemail, email, text messages, video and audio clips, floppy disks, hard disk drives, thumbnail drives, CD's, DVD's, optical disks, Zip disks, flash memory cards, Smart media and any data contained within such computers or cellular telephones, electronic storage media and other settings particular to such devices; I know that such devices automatically record aspects of such communications, such as lists of calls and communications, and any particularized identification assigned to those source numbers or email addresses by the owner of the devices; and

- n. I know the following information can be retrieved to show evidence of use of a computer or Smartphone to further the drug trade: system components, input devices, output devices, data storage devices, data transmission devices, and network devices and any data contained within such systems; computer media and any data contained within such media; operating system software, application or access program disks, manuals, books, brochures, or notes, computer access codes, user names, log files, configuration files, passwords, screen names, email addresses, IP addresses, and SIM cards.

4. This affidavit is based upon my personal knowledge and upon information reported to me by other federal and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to case agents. Case agents are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation.

5. Because this affidavit is submitted for the limited purpose of securing authorization for the requested search warrant, I have not included each fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish probable cause for the requested warrant. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 21, United States Code, Sections 829(e), 841(a)(1), and 846 (Distribution of Controlled Substances), and Title 21, United States Code, Sections 841(h) and 843(c)(2)(A) (Distribution of Controlled Substances by means of the Internet) have been committed by the user of **nachavi@hotmail.com** (the **TARGET ACCOUNT**), Adriana Chavarria. There is also probable cause to search the locations described in Attachment A for fruits, evidence and instrumentalities of these crimes, as further described in Attachment B.

II. STATUTORY BACKGROUND

6. The Ryan Haight Online Pharmacy Consumer Protection Act of 2008 amended the Controlled Substances Act to address online pharmacies, codified at 21 U.S.C. § 829. No controlled substance that is a prescription drug as determined by the Federal Food, Drug and Cosmetic Act may be delivered, distributed, or dispensed by means of the Internet without a valid prescription, as required by C.F.R. § 1306.09(a). *See* 21 U.S.C. §§ 829(e) and 841(a)(1) (Distribution of Controlled Substances); 21 U.S.C. §§ 841(h) and 843(c)(2)(A) (Offenses involving distribution of Controlled Substances by means of the Internet).

According to Title 21 U.S.C. § 829, the term “valid prescription” means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by a practitioner who has conducted at least 1 in-person medical evaluation of the patient or a covering practitioner. The term “in-person medical evaluation” means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals. The term “covering practitioner” means, with respect to the patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine within the previous 24 months and is temporarily unavailable to conduct the evaluation of the patient.

7. The Ryan Haight Online Pharmacy Consumer Protection Act of 2008 also added new provisions to prevent the illegal distribution of controlled substances by means of the Internet, including registration requirements of online pharmacies, Internet pharmacy website disclosure information requirements, and prescription reporting requirements for online pharmacies. According to C.F.R. § 1301.11(b):

As provided in sections 303(f) and 401(h) of the Act (21 U.S.C. 823(f) and 841(h)), it is unlawful for any person who falls within the definition of “online pharmacy” (as set forth in section 102(52) of the Act (21 U.S.C. 802(52)) and § 1300.04(h) of this chapter) to deliver, distribute, or dispense a controlled substance by means of the Internet if such person is not validly

registered with a modification of such registration authorizing such activity (unless such person is exempt from such modified registration requirement under the Act or this chapter).

8. According to DEA records, 247 Support Online (a primary target of this investigation) is not a registered online pharmacy.

III. PROBABLE CAUSE

Background

9. On February 17, 2018, the Oconomowoc (Wisconsin) Police Department was dispatched to 1346 Bluebird Drive, Oconomowoc, for a subject with a possible self-inflicted gunshot wound. Upon arrival, officers found Stephen Holder ("Holder") deceased in a bedroom of the residence with a self-inflicted gunshot wound. During the death investigation, detectives discovered Holder had an addiction to several medications, to include Tramadol, Ambien, Klonopin, and others. Detectives spoke with Holder's girlfriend and ex-wife, and also reviewed Holder's cellular telephone messages, e-mail and internet browsing history. Detectives found that Holder was being contacted by several different online pharmaceutical distributors. The distributors were reaching out to Holder on a regular basis via e-mail, telephone calls, and even text messages. Some of the text messages advised Holder that if he didn't like or couldn't afford some medications, he should just try others.

10. In March of 2018, detectives with Oconomowoc Police Department contacted the Milwaukee District Office of the DEA, to discuss their aforementioned investigation. Based on this information, the Milwaukee District Office initiated an investigation into the internet pharmacy 247 Support Online, and its affiliates, located at www.247supportonline.com, which advertises for sale controlled and non-controlled pharmaceuticals, including schedule II and schedule IV controlled substances, without requiring a prescription for such substances.

11. On March 16, 2018, case agents met with the ex-wife of Holder at the Oconomowoc Police Department, who is controlling the estate of Holder. The ex-wife provided written consent to search the cellular telephone and two e-mail accounts belonging to Holder. Furthermore, the ex-wife provided consent for agents to assume the identity of Holder in using Holder's e-mail account to send undercover ("UC") e-mails to online pharmacies previously used by Holder.

Investigation of www.247supportonline.com

12. On March 19, 2018, while reviewing Holder's e-mail account, at approximately 5:11 p.m., agents observed an incoming e-mail from Nicole ADAMS ("ADAMS") using e-mail address orders@247supportonline.com. The e-mail subject was "15 OFF!!!!" and the message stated, "Hi Stephen, We are 24/7 support online, the worlds leading provider for online pharmacies. Please let us know if you need a refill, we have US Tramadol 50MG, 100MG, 200MG, and 225MG, also Soma 350MG/500MG available. Our shipping options are Express \$35 (1-2 business days) or Regular shipping for \$15 (3-5 business days). You can contact us thru this email address, phone number 888-652-0037 or live chat. *This week we have the 100mg tramadol and 500mg Soma with 15% discount* We are also offering 10% disc on every Holiday, 25% off on your Birthday and different promotions EVERY WEEK!!!! We will be more than happy to assist you!"

13. On March 20, 2018, at approximately 9:19 a.m., agents, acting in an undercover capacity, responded to the e-mail from ADAMS using Holder's account, stating "What's the price on 100mg tramadol with the discount? Regards, Stephen." At approximately 9:30 a.m., ADAMS replied, "Dear Sthephen (sic), Here are the prices with the discount, please let me know how many you would like to order and if you want Priority or express shipping. 100MG 30 \$106.25; 60 \$140.25; 90 \$165.75; 120 \$191.25; 180 \$250.75." At approximately 9:42 a.m., the UC replied, "Nicole: I'd be interested in the 180, with express shipping please." At approximately 9:51 a.m.,

ADAMS replied, "Great, the total with the express shipping will be \$286 and it will be deliver (sic) in 1-2 business days, please confirm your shipping address and if you want to pay with Credit card or bank transfer." At approximately 10:29 a.m., the UC replied, "I will pay with credit card." At approximately 10:38 a.m., ADAMS replied, "Can you please provide me with the billing and credit card information." At approximately 11:56 a.m., the UC replied, "Can I pay with credit card? My shipping address is the same: 1346 Bluebird Dr, Oconomowoc, WI 53066. Regard, Stephen." At approximately 12:03 p.m., ADAMS replied, "Yes, we take, visa, mastercard and Amex." At approximately 12:41 p.m., the UC replied, "I'd rather not send my CC over email, is there a secure site to finalize the purchase?" At approximately 12:47 p.m., ADAMS replied, "If you want I can give you a call or I can also provide you with our bank information and you can make a transfer to Wellsfargo (sic) of bank of America." At approximately 12:59 p.m., the UC replied, "No problem, I can email it. I'm going to get a prepaid card and I'll send you the information to complete the transaction. Thanks again." At approximately 1:00 p.m., ADAMS replied, "Perfect, we will wait for your information."

14. On March 21, 2018, at approximately 11:45 a.m., the UC replied, "Hi Nicole: Would it be easier if I deposited the money into your account at a bank of America or well Fargo? Otherwise I'll get the credit card instead and finalize today. Regards, Stephen." At approximately 11:54 a.m., ADAMS replied, "Hi Stephen, I can give you the information, whatever is easier for you, but if you want to use the Credit card we will process the cards in 1hr so if you want us to ship the packages today you have 1hr to provide us with CC info or 3hrs to make the transfer." At approximately 11:57 a.m., the UC replied, "Ok I can just stop by the wells Fargo near my work and deposit it in your account. Then I can email the receipt to you." At approximately 11:59 a.m., ADAMS replied, "Perfect, this will be in the information you need: Adriana Chavarria V, Account

number: 6926973311, Routing number: 121042882, **nachavi@hotmail.com** (**TARGET ACCOUNT**). At approximately 12:04 p.m., the UC replied, "Ok perfect, so I'll just head to the wells Fargo and do the deposit slip for your account and email the receipt. That works?" At approximately 12:15 p.m., ADAMS replied, "Great!!"

15. At approximately 1:49 p.m., the UC deposited \$286 into Wells Fargo account 6926973311 and obtained a deposit slip. At approximately 1:52 p.m., the UC e-mailed ADAMS at orders@247supportonline.com stating, "I attached the deposit slip, please send tracking number. Regards, Stephen." At approximately 1:55 p.m., ADAMS replied, "Thank you so much, we will email you the tracking number in the next 2 hrs." At approximately 4:21 p.m., agents received an e-mail from "Dany White" at the same e-mail address (orders@247supportonline.com) used by ADAMS. The e-mail subject is "Tracking number" and stated, "Dear Stephen, Your order has been shipped and this is your tracking number: EE158651895US. Please remember the USPS delivery time: *Express Mail Service 1-2 business day, *Priority Mail takes 3-5 Business Days, *Orders from India 7-15 business days. You will be able to track your package at <https://tools.usps.com/go/TrackConfirmAction!input.action> Please remember that we use the shipping service with USPS, any delay in delivery isn't our responsibility or fault, what we can do is find a reasonable solution to your delivery situation. Dear customer, If you are not satisfied with our Customer Service, delivery time frame, product quality, etc. no matter the reason please contact us BEFORE requesting a refund. Once a refund has been requested customers are not eligible to reorder using credit cards again. We care about our customers and we believe there is always a solution for a problem! NEW IMPORTANT INFORMATION: Please keep in mind that you can not mention in any kind of payment or software that this is for pharmaceutical products if you need to contact us please call 888-652-0037 or use this email ONLY, please add our email address into

your contact list just to make sure you receive our emails. Please take this recommendation so that we can continue to provide you with our service that you need for your health. Have a lovely day :)." Based on their training and experience, and the investigation to date, case agents believe that the user of orders@247supportonline.com is distributing controlled substances over the internet without a prescription. Case agents further believe that the user of orders@247supportonline.com wants to avoid detection by law enforcement and therefore directs its customers to refrain from referring to the sale of pharmaceuticals in correspondence.

16. On March 22, 2018, at the request of DEA agents, the United States Postal Inspection Service ("USPIS") Inspectors intercepted the package bearing tracking number EE158651895US purchased by the UC. Agents, with consent by Holder's ex-wife, opened the package and discovered 18 foil packs of 10 white pills each labeled Tramadol. The foil packs were labeled "Manufactured in India by HAB Pharmaceuticals & Research Limited." The pills field tested positive for Tramadol. Case agents are aware that Tramadol is a controlled substance. According to records from the Drug Enforcement Administration, case agents are aware that Holder did not have valid prescription for Tramadol.

17. Analysis of the package revealed it was dropped off at a post office in Rialto, CA on March 21, 2018 and was received at 2:18 p.m. (PST). The return address was PC Online, 2800 Cole Ave, Dallas, TX 75204.

18. In April 2018, a grand jury subpoena was issued to Wells Fargo requesting bank account information for Wells Fargo account number 6926973311 in the name of Adriana Chavarria. Wells Fargo responded that account number 6926973311 was established by Adriana CHAVARRIA on February 8, 2017. CHAVARRIA linked cellular telephone number (909) 644-3329 with the account.

19. Also in April 2018, an administrative subpoena was issued to T-Mobile, requesting subscriber information and call detail history of (909) 644-3329. T-Mobile responded that (909) 644-3329 is subscribed to Adriana CHAVARRIA at 6709 Brampton Ave, Rialto, CA 92376. This account was established on November 9, 2017. Analysis of the call history of (909) 644-3329, revealed the cellular telephone had several telephone communications with UPS Stores in Southern California.

20. A query of USPIS records indicate that in December 2018, 1,580 USPS envelopes were sent to 6709 Brampton Ave, Rialto, CA. A USPS.com account for "Adriana Villalobos" listed 6709 Brampton Ave as the account address with **nachavi@hotmail.com (TARGET ACCOUNT)** as the associated email address. Based on their training and experience, and the investigation to date, case agents believe that Adriana CHAVARRIA used the name Adriana Villalobos, or vice versa, to avoid detection by law enforcement.

21. On May 30, 2018, and June 11, 2018, case agents seized ten packages related to the investigation sent from Singapore and India. Search warrants were obtained in the Eastern District of Wisconsin and executed on the packages, resulting in the discovery of 6,000 Carisoprodol (Soma) tablets and 12,000 Tapentadol tablets. Based on their training and experience, case agents are aware that Carisoprodol and Tapentadol are controlled substances.

22. All ten packages were being sent to three mailboxes at UPS Stores in Southern California. Specifically, four of the ten packages were being sent to Fast Beauty Online, on 6185 Magnolia Ave #156, Riverside, CA. Case agents requested USPIS conduct a postal records check on 6185 Magnolia Ave #156, Riverside, CA. The post office in Riverside, CA, received the Mailbox Service Agreement from the UPS Store for that postal box and provided it to USPIS. The customer name listed for that box is Jose Alonso SANCHEZ VARGAS, Fast Beauty Online, 1175

W Blaine St, Riverside, CA 92508. An administrative subpoena was issued to Charter Communications for accounts at 1175 W. Blaine St, Riverside, CA. According to records from Charter Communications, "Adrianna Chazarria" has an active internet and cable account at 1175 W. Blaine St, Apt 62, Riverside, CA. According to records from Charter Communications, the primary phone number for this account is as (909) 644-3329 and the email address as **nachavi@hotmail.com (TARGET ACCOUNT)**. Based on their training and experience, and the investigation to date, case agents believe that Adriana CHAVARRIA used the name Adrianna Chazarria, or vice versa, to avoid detection by law enforcement. Based on their training and experience, and the investigation to date, case agents believe that the individual known as Adriana CHAVARRIA received controlled substances at 1175 W. Blaine St, Riverside, CA.

23. The IP address for the account at 1175 W. Blaine St, Riverside, CA, and associated with **nachavi@hotmail.com (TARGET ACCOUNT)**, is listed as 2600:6c51:7a7f:e4c5:0:6acd:f1d6:164d. A search of a law enforcement databases revealed that this IP address checked on the status of the ten Carisoprodol and Tapentadol packages seized in May and June 2018.

Search Warrant for nachavi@hotmail.com (TARGET ACCOUNT)

24. On January 24, 2019, the Honorable United States Magistrate Judge David E. Jones, Eastern District of Wisconsin, signed a search warrant authorizing the search of **nachavi@hotmail.com (TARGET ACCOUNT)** for March 1, 2018, to the present. On February 7, 2019, MSN Hotmail responded with the requested information.

25. A review of **nachavi@hotmail.com's (TARGET ACCOUNT)** emails from March 2018 to January 2019 confirmed that the **TARGET ACCOUNT** is involved in the distribution of controlled substances via the internet. For example, case agents located numerous

email messages showing money transfers to CHAVARRIA's Wells Fargo account (as discussed above in paragraph 18), as well as a Bank of America account. Case agents also located emails sent by **nachavi@hotmail.com (TARGET ACCOUNT)** to a telephone service provider for 1-888-652-0037. Based on publicly available information, case agents are aware that 1-888-652-0037 is the contact number advertised for www.247supportonline.com.

26. Case agents also located emails from **nachavi@hotmail.com (TARGET ACCOUNT)** discussing pricing for controlled substances and other emails related to controlled substances. In addition, CHAVARRIA uses **nachavi@hotmail.com (TARGET ACCOUNT)** to communicate with at least three different UPS Stores in California, which were used to receive suspected bulk shipments of controlled substances from India and Singapore, as discussed in paragraphs 21 and 22 above.

27. Based on the above listed information, agents believe CHAVARRIA is the user of **nachavi@hotmail.com (TARGET ACCOUNT)**. Case agents believe CHAVARRIA continues to use **nachavi@hotmail.com (TARGET ACCOUNT)** to communicate with others to further the illegal distribution of controlled substances via the online pharmacy. Case agents believe the information requested will assist in identifying her source(s) of supply, stash locations, and other co-conspirators involved in the organization.

28. Based on my training and experience, individuals who engage in interstate trafficking in controlled and non-controlled pharmaceuticals via the internet will communicate and send and receive information through electronic communication such as e-mails and chats. Individuals engaged in criminal activity via the internet often remain anonymous by providing inaccurate or false information, but will often use e-mail accounts to conduct business and/or

communicate with other co-conspirators. The true identity and location of these individuals can often be found by analyzing their e-mail communication and IP connection logs.

29. In general, an e-mail that is sent to a MSN Hotmail subscriber is stored in the subscriber's "mail box" on MSN Hotmail's servers until the subscriber deletes the e-mail. If the subscriber does not delete the message, the message can remain on MSN Hotmail's servers indefinitely. Even if the subscriber deletes the e-mail, it may continue to be available on MSN Hotmail's servers for a certain period of time.

IV. BACKGROUND CONCERNING E-MAIL

30. In my training and experience, I have learned that MSN Hotmail provides a variety of on-line services, including electronic mail ("e-mail") access, to the public. MSN Hotmail allows subscribers to obtain e-mail accounts at the domain name gmail.com. Subscribers obtain an account by registering with MSN Hotmail. During the registration process, MSN Hotmail asks subscribers to provide basic personal information. Therefore, the computers of MSN Hotmail are likely to contain stored electronic communications (including retrieved and un-retrieved e-mail for MSN Hotmail subscribers) and information concerning subscribers and their use of MSN Hotmail's services, such as account access information, e-mail transaction information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

31. In my training and experience, e-mail providers generally ask their subscribers to provide certain personal identifying information when registering for an e-mail account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative e-mail addresses, and, for paying subscribers, means and source of payment

(including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

32. In my training and experience, e-mail providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, e-mail providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the e-mail account.

33. In my training and experience, in some cases, e-mail account users will communicate directly with an e-mail service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. E-mail providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

34. This application seeks a warrant to search all responsive records and information under the control of MSN Hotmail, a provider subject to the jurisdiction of this court, regardless of where MSN Hotmail has chosen to store such information. The government intends to require the disclosure pursuant to the requested warrant of the contents of wire or electronic communications and any records or other information pertaining to the customers or subscribers if such communication, record, or other information is within MSN Hotmail's possession, custody, or control, regardless of whether such communication, record, or other information is stored, held, or maintained outside the United States.

V. CONCLUSION

35. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 21, United States Code, Sections 829(e), 841(a)(1), and 846 (Distribution of Controlled Substances), and Title 21, United States Code, Sections 841(h) and 843(c)(2)(A) (Offenses involving distribution of Controlled Substances by means of the Internet) have been committed by the user of the **TARGET ACCOUNT**, Adriana CHAVARRIA. There is also probable cause to search the locations described in Attachment A for fruits, evidence and instrumentalities of these crimes further described in Attachment B. Because the warrant will be served on MSN Hotmail, who will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following email address that is stored at premises controlled by MSN Hotmail, a company that accepts service of legal process at 1 Microsoft Way, Redmond, WA 98052-6399.

Target Account: nachavi@hotmail.com

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by MSN Hotmail (the "Provider")

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, regardless of whether such information is stored, held or maintained inside or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A, for the time period of January 24, 2019 to the present:

a. The contents of all e-mails associated with the account, including stored or preserved copies of e-mails sent to and from the account, draft e-mails, the source and destination addresses associated with each e-mail, the date and time at which each e-mail was sent, and the size and length of each e-mail;

b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

c. The types of service utilized;

d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;

e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken;

f. All files, keys, or other information necessary to decrypt any data produced in an encrypted form, when available to MSN Hotmail; and

g. For all information required to be disclosed pursuant to this warrant, the physical location or locations where the information is stored.

The Provider is hereby ordered to disclose the above information to the government within fourteen days of the issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 21, United States Code, Sections 829(e), 841(a)(1), 841(h), 846, and 843(c)(2)(A) and occurring after March 1, 2018, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- a. The importation and distribution of controlled substances and other prescription medications.
- b. Information relating to the identity of any and all individuals who operate or maintain online pharmacies that sell controlled substances and other prescription medications.
- c. Records of payment made in relation to the operation and maintenance of online pharmacies that sell controlled substances and other prescription medications, including proceeds from such sales.
- d. Information relating to who created, used, or communicated with the account or identifier, including records about their identities and whereabouts.